IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.382 OF 2005

Hemant Hareshwar Chogale ...Appellant

vs.

Smt.Suvarna Pandharinath Mohite & Ors. ...Respondents

CORAM: A.S.OKA,J.
DATE : MARCH 21, 2005.

P.C.:

1. The Appeal is by original Defendant No.2 challenging the ad-interim order dated 16th February 2005. The Respondent No.1 is the original Plaintiff who is admittedly a tenant of the Appellant. By an ad-interim order, the Respondent No.1 has been directed to apply to the Respondent No.2-Corporation for grant of new water connection and the Respondent No.2 has been directed to give water connection to the Respondent No.1.

2. The order passed is purely discretionary and equitable order. At this stage, the Appellant is not affected by this order in any manner. Even if the water connection is given on the basis of the impugned order, it will be naturally subject to final outcome of the suit. There is no reason to interfere with the just and equitable order passed by the Trial Court. Hence, Appeal from Order is dismissed with no order as to costs. It is clarified that the Notice of Motion will be heard on its own merits.

JUDGE.